

FOR UTILITY/DESIGN  
CIP/PCT NATIONAL/PLANT  
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL  
DECLARATIONS

01 PCT  
MAR 01 2004  
ENTITLED

RULE 63 (37 C.F.R. 1.63)  
DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PW  
FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED METHODS OF TREATING OX40 MEDIATED RECALL IMMUNE RESPONSES AND AGENTS USEFUL FOR IDENTIFYING SAME

the specification of which (CHECK applicable BOX(ES))

X  is attached hereto.  
BOX(ES) → B.  was filed on September 11, 2003 as U.S. Application No. 10/661,358  
→ C.  was filed as PCT International Application No. PCT/ / On

and (if applicable to U.S. or PCT application) was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

| <u>PRIOR FOREIGN APPLICATION(S)</u> |                | <u>Date first Laid-open or Published</u> | <u>Date Patented or Granted</u> | <u>Priority NOT Claimed</u> |
|-------------------------------------|----------------|--|---------------------------------|-----------------------------|
| <u>Number</u>                       | <u>Country</u> | <u>Month/Day/Year Filed</u>              |                                 |                             |

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

| <u>PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S)</u> |                             | <u>Status</u>                       | <u>Priority NOT Claimed</u> |
|---|-----------------------------|-------------------------------------|-----------------------------|
| <u>Application No. (series code/serial no.)</u>                         | <u>Month/Day/Year Filed</u> |                                     |                             |
| 60/410,534  | 09/11/2002                  | <u>pending, abandoned, patented</u> |                             |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please direct all correspondence to John R. Wetherell, Jr., Ph.D., Pillsbury Winthrop LLP, 11682 El Camino Real, Suite 200  
San Diego, CA, 92130 and direct all telephone calls to (858) 509-4022

And I hereby appoint the below-named persons individually and collectively as my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or a below attorney in writing to the contrary.

|                       |       |                      |       |                       |       |                        |        |
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(1) INVENTOR'S SIGNATURE:

Date: 2.20.04

|                     |                                       |                        |     |
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(2) INVENTOR'S SIGNATURE:

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FOR ADDITIONAL INVENTORS, "X" box  and proceed on the attached page to list each additional inventor.

Atty. Dkt. No. 051501/0305443

(C/M#)